

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
JUN 10 2005
DAVID J. MALAND, CLERK
BY
DEPUTY

UNITED STATES OF AMERICA

-vs-

RAFAEL ANTONIO FERNANDEZ-
GARCIA

§
§
§
§
§
§

Criminal No. 4:05CR 131
Judge Schee

INDICTMENT

COUNT I

Violation: Reentry of Deported Alien
(Title 8 U.S.C. § 1326)


On or about April 19, 2005, in the Eastern District of Texas, the Defendant, Rafael Antonio Fernandez-Garcia, an alien who had previously been excluded, deported and removed, knowingly and unlawfully was found in the United States in Collin County, Texas, the said Defendant having not obtained the consent for reapplication for admission into the United States from the Attorney General of the United States or Secretary of Homeland Security, the successor, pursuant to Title 6, United States Code, Sections 202(3), 202(4) and 557.

All in violation of Title 8, United States Code, Section 1326.

A True Bill,


FOREMAN OF THE GRAND JURY

MATTHEW ORWIG
UNITED STATES ATTORNEY


JOHN L. RATCLIFFE
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
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GARCIA

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Criminal No. 4:05CR _____
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NOTICE OF PENALTY

COUNT I

Violation: Title 8, United States Code, Section 1326

Penalty: Not more than two years imprisonment, a fine not to exceed
\$250,000, or both; supervised release of not more than one year;

If removal was subsequent to a conviction for commission of a
felony other than an aggravated felony - not more than 10 years of
imprisonment, a fine not to exceed \$250,000, or both; supervised
release of not more than 3 years;

If removal was subsequent to a conviction for a commission of an
aggravated felony - not more than 20 years imprisonment, a fine
not to exceed \$250,000, or both; supervised release of not more
than 3 years.

Special
Assessment: \$100.00